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Thomas C. Kuracina and Injectimed Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

IN RE APPLICATION OF: BECTON
DICKINSON GmbH AND BECTON
DICKINSON AUSTRIA GmbH FOR THE
TAKING OF THOMAS C. KURACINA'S
DEPOSITION AND FOR THE PRODUCTION
OF DOCUMENTS FROM THOMAS C.
KURACINA AND INJECTIMED INC., FOR
USE IN A FOREIGN PROCEEDING UNDER
28 U.S.C. § 1782(a)

Case No. 3:15-cv-00233-HDM-WGC
ORDER GRANTING
**THOMAS C. KURACINA AND
INJECTIMED INC.'S MOTION FOR
LEAVE TO FILE DOCUMENTS
UNDER SEAL**

Pursuant to Local Civil Rules 10-5, 7-5 and 6.1(a), Respondents Thomas C. Kuracina and Injectimed Inc. (collectively, "Respondents") hereby file this Motion for Leave to File Documents Under Seal and respectfully show the Court as follows:

1. On July 21, 2015, the Court entered an Order in the above-captioned matter, providing that "[w]ith respect to any discovery that may potentially involve sensitive documents or sensitive information that would be subject to a protective order, IT IS ORDERED, a blanket protective order is hereby entered permitting the Respondents to designate sensitive documents and restricting their disclosure or further use beyond this action. IT IS FURTHER ORDERED, there will

1 not be any disclosure of such information unless or until the foreign tribunals make the
2 determination that such information is not required to be kept confidential and shall be disclosed. IT
3 IS SO ORDERED.” (Dkt. 24.)

4 2. Respondents produced documents that were labeled “CONFIDENTIAL – OUTSIDE
5 COUNSEL’S EYES ONLY” (the “Disputed Documents”) that are the subject of Petitioners’ Motion
6 to De-Designate Documents Marked Confidential, filed on August 14, 2015 (Dkt. 27), which is a
7 non-dispositive motion.

8 3. Thomas C. Kuracina and Injectimed Inc.’s Opposition to Becton Dickinson GmbH
9 and Becton Dickinson Austria GmbH’s “Emergency” Motion to De-Designate Documents Marked
10 Confidential (hereinafter “Respondents’ Opposition”), and the Declarations and other materials in
11 support thereof, contain, quote from, and discuss the Disputed Documents, and neither the Court nor
12 any other tribunal has made the determination that such information is not required to be kept
13 confidential. Moreover, Petitioners made a similar motion to file under seal their Motion to De-
14 Designate Documents Marked Confidential, and the documents attached thereto (including the
15 Disputed Documents), on nearly identical grounds (Dkt. 26). The Court granted Petitioners’ Motion
16 to Seal on August 14, 2015 (Dkt. 28). Accordingly, Respondents request that the Court grant leave
17 to file Respondents’ Opposition, and Declarations and other materials in support thereof, under seal.

18 4. Moreover, for the reasons to be stated in Respondents’ Opposition, the Disputed
19 Documents were designated in good faith as “CONFIDENTIAL – OUTSIDE COUNSEL’S EYES
20 ONLY” because they contain sensitive technical and/or business information, disclosure of which
21 would result in harm to Respondents and their business. Accordingly, good cause exists to thereafter
22 maintain these Disputed Documents, and the above-listed documents which contain, quote from, and
23 discuss them, under seal. *See, e.g., Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir.
24 2009).

25 WHEREFORE, Respondents respectfully request that the Court grant this Motion for Leave
26 to File Documents Under Seal.

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